

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are pending in the application. Claims 1, 2, and 5-10 are amended by the present response, and support for the amendments is found in original Claims 1, 2, and 5-10. Claims 3-19 were withdrawn from consideration in response to the Election Requirement mailed October 20, 2004. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, the specification was objected to; Claims 1 and 2 were rejected under 35 U.S.C. §112, second paragraph as indefinite; and Claim 1 was indicated as allowable if rewritten or amended to correct the rejection under 35 U.S.C. §112, second paragraph.

Applicants thank Examiner Loke for the interview granted Applicants' representatives on April 15, 2005. During the interview, the rejection of Claims 1 and 2 under 35 U.S.C. §112, second paragraph was discussed in detail. Examiner Loke indicated that independent Claim 1 should be amended to recite "at a position apart from a top surface" instead of "at a position apart from an interface" and "a second side of the gate electrode opposite to a first side of the gate electrode formed adjacent to the photoelectric conversion region" instead of "an opposite side of the gate electrode." Examiner Loke also indicated that the claims depending from Claim 1 should be amended including previously withdrawn Claims 5-10 reciting "interface." Examiner Loke indicated that the above amendments would likely overcome the 35 U.S.C. §112, second paragraph rejection, but would be considered again upon formal submission of a response to the outstanding Office Action.

Applicants also thank Examiner Loke for the early indication that Claim 1 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph.

Accordingly, Claim 1 is amended, as discussed during the personal interview, to recite “at a position apart from a top surface” instead of “at a position apart from an interface” and “a second side of the gate electrode opposite to a first side of the gate electrode formed adjacent to the photoelectric conversion region” instead of “an opposite side of the gate electrode.” Therefore, the Applicants respectfully submit that the rejection to Claim 1 under 35 U.S.C. §112, second paragraph, is overcome, and Claim 1 is now in condition for formal allowance.

Similarly, dependent Claim 2 is amended to recite a diffusion-layer region formed “adjacent to the top surface” instead of “formed in the interface.” Therefore, the Applicants also respectfully submit that the rejection to Claim 2 under 35 U.S.C. §112, second paragraph, is overcome and respectfully request that the rejection be withdrawn.

Further, the Applicants note that withdrawn dependent Claims 3-10 are still pending in this application, and each of those withdrawn claims depends from independent Claim 1. That is, independent Claim 1 is generic to withdrawn Claims 3-10, and therefore, the Applicants respectfully submit Claims 3-10 must now be reinstated. Claims 5-10 are amended to recite “the top surface of the semiconductor substrate” instead of “the interface of the semiconductor substrate.” The Applicants respectfully submit that dependent Claims 3-10 are now in condition for formal allowance at least because of the dependent recitation in Claims 3-10 of the features recited in amended independent Claim 1.

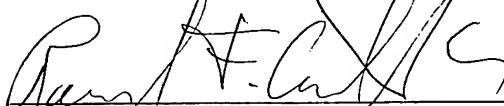
Lastly, the specification is amended to update the CROSS REFERENCE TO RELATED APPLICATIONS section of the disclosure to include “(U.S. Patent No. 6,690,423),” which is the patent number of the parent application. Therefore, the Applicants respectfully request that the objection to the disclosure be withdrawn.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for formal allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

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